

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

AMEREN MISSOURI,

Defendant.

Case No. 11-CV-00077

**UNITED STATES' MOTION FOR VOLUNTARY DISMISSAL OF CERTAIN  
CLAIMS IN THE AMENDED COMPLAINT**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, Plaintiff United States, acting on behalf of United State Environmental Protection Agency, hereby moves for voluntary dismissal of certain claims in the Amended Complaint (ECF No. 36) as described more fully below. Plaintiff United States makes this motion to narrow and simplify the issues in this case, thereby eliminating the need for further discovery or motions practice on the claims to be dismissed.

1. The First Claim for Relief (paragraphs 65-70) is voluntarily dismissed with prejudice.
2. The Second Claim for Relief (paragraphs 71 through 76) is voluntarily dismissed with prejudice.
3. The Fifth Claim for Relief is voluntarily dismissed with prejudice, but only to the extent the Fifth Claim for Relief is based upon the primary superheater and turbine construction

projects performed at Rush Island Unit 1 during the 2001 through 2002 outage, as alleged in the First Claim for Relief.

4. The Sixth Claim for Relief is voluntarily dismissed with prejudice, but only to the extent the Sixth Claim for Relief is based upon the primary superheater and turbine construction projects performed at Rush Island Unit 2 during the 2003 through 2004 outage, as alleged in the Second Claim for Relief.

If the Court grants this motion, the United States will, as expeditiously as reasonably possible thereafter, file and serve via the Court's CM/ECF system a Second Amended Complaint that reflects voluntary dismissal of the foregoing claims.

Respectfully submitted on this 1st day of October, 2013.

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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2013, I served the foregoing Motion with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

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